

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

2011 DEC -9 P 4: 55

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

MARCUS MIAL

Plaintiff,

V.

STEPHEN O. SIMPSON, *et al.*

Defendants.

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Case #1:11-cv -921 (GBL/IDD)

UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Plaintiff Marcus Mial, *pro se*, moves this Court for an order granting him leave to file the amended complaint remitted herewith. Counsel for Defendants does not object to the granting of this motion, and Plaintiff is awaiting return of an endorsed Consent Order for submission to the Court. The proposed amended complaint drops one named defendant and all the John Doe defendants, drops one claim, adds another defendant, and appropriately modifies the presentation of the remaining claims.

Leave to amend is to be liberally granted to serve the ends of justice. Fed.R.Civ.P. 15. Here, the proposed amendment will facilitate the adjudication of the controversy between the parties without prejudicing any party or otherwise greatly disturbing the schedule for the litigation of this case.¹ For these reasons, Plaintiff's motion should be granted.

In accordance with L.R. 7(E), this motion is being set for a hearing on December 16, 2012; however, the Court is requested to rule on the papers if it sees fit.

¹ Plaintiff has simultaneously filed a Motion to Extend Discovery for one month based on both the Amended Complaint and his obtaining new counsel].

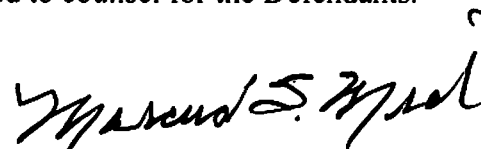
Respectfully submitted,



MARCUS MIAL

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Plaintiff's Unopposed Motion for Leave to Amend Complaint, together with the proposed Amended Complaint, was this 9th day of December, 2011 filed *pro se* with the clerk of the court and that a copy of the motion, together with the proposed Amended Complaint will be mailed to counsel for the Defendants.



Marcus Mial